



Voice Data Video

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March 11, 1996

**VIA HAND DELIVERY**

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Mr. William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**Re: CC Docket No. 95-155 (Bureau's February 29 Letter)**

Dear Mr. Caton:

Late on February 29, 1996, the Common Carrier Bureau issued a letter which directed Database Service Management, Inc. ("DSMI") to reclassify as "unavailable" any number not set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of "unavailable" numbers that the subscriber wanted to replicate in 888.<sup>1</sup> The February 29 Letter specified that the 888 number would be marked as unavailable "so long as that number is still not in working status."<sup>2</sup> The Bureau further directed that such a request be in writing from either the 800 subscriber or that subscriber's RespOrg, and be received by DSMI no later than 11:59 p.m., March 15, 1996. The Bureau stated that the February 29 Letter was issued because "[d]isputes have now arisen" regarding whether certain 888 numbers should have been made "unavailable" as a result of the Bureau's January 25 Order.<sup>3</sup>

While LDDS WorldCom does not necessarily oppose the contents of the Bureau's February 29 Letter, LDDS WorldCom strongly objects to the very late timing of its issuance to the public. As the Bureau is well aware, the Letter was not released publicly until sometime in the early evening on February 29, well after normal business hours on the East Coast. In addition, the vast majority of RespOrgs had absolutely no prior notice that any such document was being issued, or even contemplated. Indeed,

<sup>1</sup> Letter from Regina M. Keeney, Chief, Common Carrier Bureau, FCC to Michael Wade, President, DSMI (February 29, 1996) ("February 29 Letter").

<sup>2</sup> Id. at 1.

<sup>3</sup> Id.; see Toll Free Service Access Codes, CC Docket No. 95-155, Report and Order, released January 25, 1996 ("January 25 Order").

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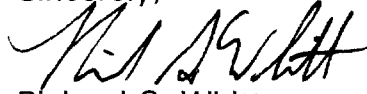
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OFFICE OF THE  
SECRETARY

in several conversations with pertinent Bureau personnel that very day, legal counsel for LDDS WorldCom was never even apprised of the fact that the Letter was being prepared for release later that night. As a result, by the time that LDDS WorldCom's RespOrg offices received a copy of the Bureau's Letter -- issued via DDMI -- there was less than an hour left until the initial opening of the 888 database. While LDDS WorldCom subsequently submitted to DDMI on March 1 an initial list of 888 numbers which met the Letter's criteria, at least three separate 888 numbers which otherwise met the criteria had already been placed into "working" status by other RespOrgs on March 1. DDMI has since informed LDDS WorldCom that it will not put any working 888 numbers in "unavailable" status without further direction from the Bureau.

LDDS WorldCom submits that, had proper prior notice been given by the Bureau, LDDS WorldCom and other similarly situated RespOrgs would have had an opportunity to contact those customers with pending disputes and submit to DDMI complete lists of those customers' protectable 888 numbers prior to any numbers being placed in working status on March 1. Unfortunately, due solely to the working status restriction contained in the Bureau's untimely Letter, a number of toll free customers have been deprived of any fair chance to challenge the possibly wrongful denial of their 888 reservation rights under the Bureau's January 25 Order. The Bureau itself emphasized in its February 29 Letter that it took its action regarding disputed 888 numbers specifically "[t]o ensure that these subscribers are protected in the manner contemplated by the Bureau's [January 25] Order...."<sup>4</sup> Given this paramount concern about protecting customers, it is obvious that, as matter of simple equity, the Bureau should have notified RespOrgs of its new policy well enough in advance so that, prior to disputed numbers being placed in working status on March 1, all toll free customers would be given an adequate opportunity to submit to DDMI any 888 numbers that should have been marked as "unavailable."

Thus, LDDS WorldCom respectfully objects to the Bureau's late-issued February 29 Letter and its untimely restriction on marking as "unavailable" any 888 numbers which were already placed in working status on March 1.

Sincerely,



Richard S. Whitt  
Director, Federal Regulatory Affairs  
LDDS WorldCom

cc: Ms. Regina Keeney, Chief, Common Carrier Bureau  
Mr. John Morabito, Common Carrier Bureau  
Ms. Irene Flannery, Common Carrier Bureau  
Ms. Melissa Newman, Common Carrier Bureau

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<sup>4</sup> February 29 Letter at 1.